

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE:

CASE NO. 10-01096 ESL

JOSÉ MIGUEL DE JESÚS MIRANDA

CHAPTER 13

DEBTOR(S)

DEBTOR'S MOTION FOR ESTIMATION OF CLAIM

TO THE HONORABLE COURT:

COMES NOW, Debtor represented by the undersigned counsel and very respectfully states:

1. The present case was filed on February 17, 2010 and the meeting of creditors was held and closed on June 18, 2010.

2. The hearings on confirmation have been re-scheduled due to main issues: a) the Trustee's unfavorable report due to the insufficiency of the plan's base; and, b) priority creditor's objection to the confirmation, based also in the insufficiency of the plan's base to pay in full the priority domestic support obligation.

3. Schedule E includes the priority claim filed by Ms. María A. Hernández Iglesias, and identifies it as a contingent and disputed claim since the same is subject to an appeal before the Puerto Rico Court of Appeals. The matter has not yet been resolved by that Court.

4. Ms. María A. Hernández Iglesias filed an amended proof of claim for the amount of \$64,170.94 (Claim #9-2). This amount

includes \$15,021 in interest. The claim is for a principal amount of \$49,149.94 plus \$15,021 in interest.

5. In order to have a plan confirmed and allow for the distribution of funds held by the Trustee to creditors, Debtor submits to the Court the present request for the estimation of the domestic support obligation claim by Ms. Hernandez for \$42,536, as included in schedule E plus \$6,912.10 for interest over the principal amount based on the current prime rate of 3.25% for the five-year duration of the plan. The amounts disbursed by the Trustee would be credited to the amounts determined by the Puerto Rico Courts by a final judgment.

6. The plan is sufficiently funded and has a "cushion" estimated in \$2,000 that may be used to cover amounts in excess of the estimated amount referred above.

7. According to our estimates, the amount of the estimated claim, if allowed by the Court, will take approximately 58 months to be paid in full. We consider that this time frame is more than sufficient to allow for the final resolution of the pending appeal.

8. Furthermore, the domestic support obligation claim is a non-dischargeable claim under the provisions of section 523 (a)(5) so any amount still owed after the completion of the plan will continue to be paid directly to ASUME.

9. Even if the claim as filed is confirmed in the Puerto Rico Court appeals' process, the estimated balance owed at the by the plan's end would remain in approximately \$14,722.84; amount that would be paid-off completely within approximately 15 months.

10. The estimation of the claim will allow for the prompt distribution for the priority claims, including Ms. Hernández Iglesias' claim.

WHEREFORE, for the reasons stated above, it is respectfully requested from the Court, to estimate the priority domestic support obligation claim filed by Ms. María Hernández Iglesias in \$42,536 plus \$6,912.10 for interest at a rate of 3.25% per annum.

RESPECTFULLY SUBMITTED.

NOTICE TO CREDITOR MARÍA A. HERNÁNDEZ IGLESIAS

Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against

Motion for Estimation of Claim

Case No. 10-01096 ESL

Page 4

public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise. F.R.B.P. 9006; L.B.R. 9013-1 (h)(1); G.O. 09-02.

In Bayamón, Puerto Rico, this 5th day of April 2011.

HERMAN F. VALENTÍN & ASSOCIATES

P.O. Box 1888
Bayamón, PR 00960-1888
Tel. (787) 200-5426
Fax (787) 200-5428

By: /s/Herman F. Valentín Figueroa

Herman F. Valentín Figueroa
USDC-PR # 201904